



## *Grafton Conservation Commission*

### **Summary of Instructions – Request for Determination**

#### **When should I file a Request for Determination (RFD)?**

- When you are unsure if the property or the proposed work is subject to jurisdiction of the Grafton Bylaw
- When work is proposed within 100 feet of a wetland but you are not sure if the work will affect the wetland
- When you want to verify the location of wetlands before proceeding with further planning or work
  - For parcels of 3 acres or less file the town RFD with WPA Form 1 – Request for Determination of Applicability.\*
  - For parcels larger than 3 acres file the town RFD with WPA form 4A - Abbreviated Notice of Resource Area Delineation (ANORAD)\*

→ Delineations and determinations may not be possible during winter months and may need to be continued to a time when conditions can be more readily verified.

→ In any case you should file well *before* starting any work

#### **What do I submit?**

- Form C - Request for Determination of Applicability Grafton Wetlands Bylaw
- WPA Form 1 – Request for Determination of Applicability\* or WPA form 4A - Abbreviated Notice of Resource Area Delineation (ANORAD)\*
- Plans that clearly show the location of the property, the proposed work, and all the wetlands within 100 feet of the work
- A description of the proposed work, showing all measures proposed to control erosion
- A filing fee required by town bylaw and regulations – see Filing Fee Worksheet
- Copies of the request must be sent to the property owner and several town departments.
- The Grafton Wetlands Protection Bylaw does not require notification to abutters when filing a Request for Determination. (However, the filing of an ANORAD under the Wetlands Protection Act does require abutter notification.)

*30 Providence Road, Grafton, MA 01519 • Tel: 508-839-5335 ext. 138 • Fax: 508-839-4602  
e-mail: [conservation@town.grafton.ma.us](mailto:conservation@town.grafton.ma.us)*

## How will the request be processed?

- The request will be scheduled for discussion at a regular Commission meeting, usually within 21 days of submission. The discussion will be advertised in the Grafton News at least five business days prior to the meeting, and you and your representatives will be notified by mail of the meeting date and time.
- The Commission and/or its Agent will visit the site prior to the meeting.
- The determination will be made within 21 days of the close of the meeting. It is generally sent to you by certified mail, but you can arrange to pick it up at the Commission office.

## What will it cost me?

- The town filing fee - see Filing Fee Worksheet.
- The state fees for filing an ANORAD if applicable.
- The cost of hiring a consultant if the Commission deems it necessary.
- The cost of advertising the meeting in the newspaper.
- Professional services to mark the wetland boundary, if necessary.

## When can work proceed?

- There is a 10-day appeal period following the issuance of a negative determination.
- After a positive determination has been issued, *work may not begin* until a Permit has been issued pursuant to your filing an Application for Permit.
- Note: If a positive determination has also been issued under the Wetlands Protection Act, work may not begin until an Order of Conditions has been issued pursuant to your filing a WPA Form 3 - Notice of Intent.\*

## What if I disagree with the Commission's decision?

- You may appeal to Superior Court a decision that was made under the Town Bylaw; the appeal must be filed within 10 days of the date the decision was issued.
- You may also appeal the decision that was made under the state law by requesting DEP to make a superseding determination. This must be done within 10 days of the date the decision was issued.

\* For downloadable forms to file under the Wetlands Protection Act go to the DEP website at: <http://www.mass.gov/dep/water/approvals/wwforms.htm>



## *Grafton Conservation Commission*

### **Request for Determination of Applicability Grafton Wetlands Bylaw**

1. I, the undersigned, hereby request that

\_\_\_\_ The Grafton Conservation Commission make a determination as to whether the area described below and shown on the attached plan(s) is subject to the Grafton Wetlands Protection Bylaw.

\_\_\_\_ The Grafton Conservation Commission make a determination as to whether the work proposed to be performed on the area described below and shown on the attached plan(s), is subject to the Grafton Wetlands Protection Bylaw.

\_\_\_\_ The Grafton Conservation Commission concur with the boundaries of resource areas as delineated on attached plan.

2. The area shown is described as follows:

It is shown on Town of Grafton Assessors Map # \_\_\_\_\_ Parcel # \_\_\_\_\_

Street location \_\_\_\_\_

Recorded in Worcester District Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_

The plan enclosed was prepared by \_\_\_\_\_  
Name and address

Has the site been staked at the corners in the field? \_\_\_\_\_

Wetlands on the site must be delineated with identifiable markers.

Further description:

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FORM C (page 1 OF 2)

3. The alterations proposed on the area are described below:  
(Additional paper may be used and attached, if necessary.)
4. Are you the owner of the property on which a determination is being sought? \_\_\_\_\_
5. If you are not the owner, state the name and address of the legal owner.  
\_\_\_\_\_
6. If you are not the owner, have you given the owner written notification that you are seeking this Determination of Applicability? \_\_\_\_\_
7. Fee of \$ \_\_\_\_\_ is enclosed.

I understand that notification of this request will be placed in The Grafton News or other publication of general circulation in Grafton, and that the \_\_\_\_\_ newspaper will bill me for the cost of publication and that I am responsible \_\_\_\_\_ for paying that bill promptly.

I further understand that the original and 2 copies of this request and plan(s) must be filed.

Signature \_\_\_\_\_ Name (print) \_\_\_\_\_  
Address \_\_\_\_\_ Telephone \_\_\_\_\_

## WAIVER

Occasionally, the meeting schedule of the Conservation Commission precludes holding a hearing/public meeting precisely within 21 days. Hearings/public meetings are always held as promptly as possible and usually within 45 days of receipt of the completed application. A waiver is sought to facilitate scheduling of hearings.

If the next regular meeting of the Grafton Conservation Commission is not scheduled within 21 days of the date of my filing this Application/Request for Determination, I waive the 21-day requirement and agree to a later date for this hearing and a hearing pursuant to MGL Chapter 131 § 40, provided the hearing is held not later than 45 days from the date of filing this request.

Address of property: \_\_\_\_\_  
Map \_\_\_\_\_ Lot \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

## **Filing Fee Worksheet Request for Determination**

### Grafton Wetlands Protection Bylaw

#### Request for Determination (RFD)

- |  |           |       |
|--|-----------|-------|
| 1) Project applicability determination         | @ \$25.00 | _____ |
| 2) Delineation determination (3 acres or less) | @ \$50.00 | _____ |

#### Request for Determination filed with Abbreviated Notice of Resource Area Delineation (ANORAD) for parcels of land over 3 acres

- |  |              |       |
|--|--------------|-------|
| 1) Less than 10 acres                      | @ \$50.00    | _____ |
| 2) 10-25 acres                             | @ \$75.00    | _____ |
| 3) 25-100 acres                            | @ \$100.00   | _____ |
| 4) Larger than 100 acres                   | @ \$100.00 + | _____ |
| \$0.25 per linear foot of wetland boundary |              | _____ |
| after the first 1000 linear feet           |              |       |

	Total	_____
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